**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929**

**OP.No. 26756 of 2001(I)**
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**PETITIONER:**
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**K.T.VIJAYAN,**
**S/O. THANKAPPAN, AGED 39 YRS,**
**RESIDING AT JOVAN NIVAS,**
**NEAR COMMUNITY HEALTH CENTRE,**
**KUMBALA, KASARAGODE DIST.**

**BY ADV. SRI.V.RAMKUMAR NAMBIAR**

**RESPONDENTS:**
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**1. STATE OF KERALA, REP. BY SECRETARY,**
**GENERAL EDUCATION DEPARTMENT,**
**THIRUVANANTHAPURAM.**

**2. THE DEPUTY DIRECTOR OF EDUCATION,**
**KASARAGODE.**

***3. K.SUMATHI, D/O. P. KUNHI KANNAN,**
**AGED 27 YRS, RESIDING AT**
**KARAYIL HOUSE, PERINTHATTA,**
**PORAKUNNU, P.O. M.M. BAZAR, KANNUR DIST.**

***ADDL. R3 IS IMPLEADED AS PER ORDER DATED**
**13/01/2003 IN IA NO. 55347/2002.**

**BY ADV. SMT.M.R.SREELATHA ---R3**
**GOVERNMENT PLEADER SRI. K.V.MANOJ**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON CMP NO. 43456/2001 IN OP NO. 26756/2001 I.**

**DISMISSED**

**14/06/2007. SD/- T.R.RAMACHANDRAN NAIR, JUDGE.**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE ORDER GO MS NO. 139/96/C.EDN.**

**EXT.P2. COPY OF THE JUDGMENT OF THIS COURT IN WA NO. 901/2000 BEFORE THE HIGH COURT.**

**EXT.P3. COPY OF THE JUDGMENT IN OP NO. 27064/2000 DT. 22/09/2000 BEFORE THIS COURT.**

**EXT.P4. COPY OF THE GOVERNMENT CIRCULAR DT. 17/8/00 BY THE ADDL. SECRETARY TO GOVT. OF KERALA.**

**EXT.P5. COPY OF THE ORDER OF THE R2 DT. 8/12/00.**

**EXT.P6. COPY OF THE ORDER OF THE R2 DT. 23/4/2001 CANCELLING THE REGULARISATION OF THE PETITIONERS.**

**EXT.P7. COPY OF THE ORDER OF THE GOVT. DT. 19/3/2001 BY THE R1.**

**EXT.P8. COPY OF THE ORDER OF THIS COURT IN CMP NO. 37999/2001 IN OP NO. 16385/2001 DT. 7/9/2001.**

**EXT.P9. COPY OF THE ADDL. STATEMENT FILED BEFORE THIS COURT IN OP NO. 649/2001 DT. 2/2/02.**

**EXT.P10. COPY OF THE DETAILS OF THE CLEAR POSITION OF THE CADRE STRENGTH IN HSA MALAYALAM IN THE EDUCATIONAL DISTRICTS OF KASARAGODE & KANHANGAD PREPARED BY THE PETITIONER SCHOOL WISE.**

**EXT.P11. COPY OF THE SENIORITY LIST AS PER ORDER DT. 27/10/2001 IN HSA MALAYALAM.**

**EXT.P12. COPY OF THE ORDER GRANTING REGULAR PROMOTION TO SL. NOS. 1 TO 3 IN EXHIBIT P11 DT. 19/11/2001.**

*True copy*

*tga*

**T.R. Ramachandran Nair, J.**

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**O.P.No.26756 of 2001-I**

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**Dated this the 14th day of June, 2007**

**JUDGMENT**

Petitioner is working as H.S.A. (Malayalam) in Kasaragode District. His promotion was regularised by Government. The petitioner approached this court aggrieved by the proceedings evidenced as Exts.P6 and P7. As per the above orders, the regularizations granted to him was cancelled with retrospective effect. In C.M.P.No.43456/2001, this court had granted interim stay of reversion. Now it is pointed out by the learned counsel for the petitioner that during the pendency of the original petition, by proceedings of the Deputy Director of Education, Kasaragod dated 11.7.2005 the promotion granted to the petitioner along with others have been regularised. In view of the above development, it is not necessary to go into the merits of the case.

2. It is further submitted that petitioner has certain grievance regarding the date from which the regularisation has been granted. Counsel for the petitioner also submitted that the petitioner has already moved the competent authority to redress those grievances. Therefore, without

prejudice to the right of the petitioner to pursue his remedies regarding the said aspect, this original petition is closed.

**(T.R. Ramachandran Nair, Judge)**

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**T.R. Ramachandran Nair, J.**

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**O.P.No.26756 of 2001-I**

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**JUDGMENT**

**14th day of June, 2007**